

Message Text

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ACTION NEA-06

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R 220908Z APR 75

FM AMEMBASSY AMMAN

TO SECSTATE WASHDC 4442

INFO AMEMBASSY DAMASCUS

AMEMBASSY TEL AVIV

C O N F I D E N T I A L SECTION 1 OF 2 AMMAN 2679

LIMDIS

E.O. 11652: GDS

TAGS: EAID, JO, US,USJOJC

SUBJECT: YARMOUK RIVER DEVELOPMENT

REFS: (A) STATE 053618 (NOTAL) (B) AMMAN 1973 (NOTAL)
(C) AMMAN 7136 (NOTAL)

1. REF. B. PROVIDED AID/W WITH JVC AND MISSION REACTIONS TO PRO-
POSAL CONTINUED REF. A. AID/REP SIMMONS ALSO DISCUSSED THIS MATTER
WITH NESA/CD DURING RECENT CONSULTATIONS AND MISSION HAS SUBMITTED
PIO/T DESCRIBING SERVICES NEEDED IN STEP ONE. HOWEVER, WE BELIEVE
TI WOULD BE HELPFUL TO PROVIDE ADDITIONAL BACKGROUND ON THE CON-
TENT OF THE WORK INVOLVED IN STEP ONE AND MAKE SOME COMMENTS ON
WATER RIGHTS ISSUE. (ALSO, AMBASSADOR HAD OPPORTUNITY TO REVIEW
QUESTION WITH AMBASSADORS KEATING AND MURPHY, DEPUTY ASSISTANT
SECRETARY SAUNDERS, DCM VELIOTES AND COUNTRY DIRECTOR KORN
WHILE IN WASHINGTON RECENTLY.)

2. FIRST, WITH REFERENCE TO CONTENT OF STEP ONE. AS
ORIGINALLY CONCEIVED BY MISSION, STEP ONE WOULD HAVE
INCLUDED (A) PREPARATION OF SUMMARY DOCUMENT DESCRIB-
ING PROJECT IN ALL ITS ELEMENTS, INCLUDING BACKGROUND,
BRIEF HISTORY, AND CURRENT STATUS; (B) DESCRIPTION OF
ALL WORK REMAINING TO BE COMPLETED BEFORE CONSTRUCTION

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COULD BEGIN; AND (C) PREPARATION OF SCOPE OR SCOPES FOR

CONTRACTING FOR THAT WORK. AS WE HAVE REPORTED, JVC PROCEED ON ITS OWN TO DEAL WITH (B) AND (C). HOWEVER, JORDANIANS HAVE NOT REGARDED THE SUMMARY DOCUMENT CALLED FOR IN (A) AS VERY IMPORTANT SINCE THEY HAVE ASSUMED WE WERE ALL TALKING ABOUT THE SAME PROJECT AND THEY HAVE NO INTERNAL REQUIREMENT FOR SUCH PAPER AT THIS STATE. NEVERTHELESS, WE CONTINUE TO BELIEVE THAT IT WOULD BE SENSIBLE TO BEGIN THE EFFORT WITH COMPLETE, CURRENT DESCRIPTION OF THE PROJECT WHICH COULD REPRESENT COMMON STARTING POINT FOR GOJ, IBRD, USG AND OTHER POTENTIAL DONORS. THIS WOULD HELP AVOID MISUNDERSTANDINGS AND ELIMINATE ANY AMBIGUITIES WHICH MAY EXIST REGARDING THE PROJECT.

3. IN ABSENCE OF AID-FURNISHED STEP ONE CONSULTANT, GOJ PROCEEDED WITH PREPARATION SCOPE OF WORK IDENTIFIED IN PARA 1 (C) ABOVE AND DRAFT SCOPE OF WORK HAS NOW BEEN FORWARDED TO AID/W. WE PROPOSE THAT STEP ONE CONSULTANT ASSIST IN PUTTING FINISHING TOUCHES ON SCOPE. IT WILL ALSO NEED TO BE REVIEWED AND ENDORSED BY IBRD.

4. THE SECOND POINT WE WISHED TO DISCUSS IS WATER RIGHTS QUESTION. WE HAVE NOT PURSUED THIS QUESTION FORMALLY WITH JORDANIANS AT THIS STAGE FOR FOLLOWING REASONS. JORDANIANS DO NOT CONSIDER THERE IS ANY REAL ISSUE REGARDING WATER RIGHTS. THE "GENTLEMEN'S UNDERSTANDING" ON DIVISION OF YARMOUK WATER HAS OPERATED SATISFACTORILY FOR OVER A DECADE AND WHILE THE JORDANIANS REFRAIN FROM USING SPECIFIC AMOUNTS OR PERCENTAGES, THEY ACCEPT THE FACT THAT ISRAEL HAS LEGITIMATE CLAIM TO PORTION OF YARMOUK WATER. (PRIVATELY, THEY TELL US THAT THEY GUARANTEE 17 MCM PER YEAR FOR THE ADASIYA TRIANGLE AND INSURE DELIVERY DURING PERIODS OF REQUIRED IRRIGATION AT ACCEPTABLE LEVELS). THIS ISSUE HAS BEEN REVIEWED AD NAUSEAM OVER THE LONG HISTORY OF PROPOSALS FOR USE OF JORDAN RIVER AND TRIBUTARIES WATER, AND THE PERSONS WE ARE DEALING WITH HAVE BEEN INVOLVED WITH THESE PROPOSALS ALMOST FROM BEGINNING. WHEN WE RAISE THE SUBJECT, THERE IS SUSPICION THAT WE ARE TRYING TO PROTECT ISRAELI RIGHTS; IT TENDS TO IRRITATE THEM SINCE THEY CONSIDER ISRAEL

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HAS NOT HONORED JORDANIAN RIGHTS TO JORDAN RIVER AND LAKE TIBERIAS WATER FOR YEARS, AND THE US HAS NOT INTERCEDED ON GOJ'S BEHALF. BY RAISING THIS ISSUE, THEREFORE, WE FORCE THEM TO ACKNOWLEDGE ISRAELI RIGHTS TO YARMOUK WATERWHILE AT THE SAME TIME ACCEPTING ISRAELI ABROGATION OF THEIR RIGHTS TO JORDAN RIVER WATER. WE REPEAT--THE GOJ AT WORKING LEVEL AND INDEED EVEN HEAD OF THE JORDAN VALLEY COMMISSION INFORMALLY ACCEPT THAT

ISRAELIS HAVE CERTAIN RIGHTS TO YARMOUK WATER, BUT DO NOT WANT TO HAVE THIS POINTED OUT OR FORMALIZED SINCE IT IS AN EMOTIONAL ISSUE WITH THEM. BESIDES, FORMALIZATION OF ANY SUCH AGREEMENT IS AN IMPOSSIBILITY AT THIS STAGE BECAUSE OF IMPACT ON OTHER ARABS AS WELL AS DOMESTICALLY IN JORDAN.

4. THE SECOND REASON WE HAVE PLAYED DOWN THE SUBJECT OF WATER RIGHTS VIS-A-VIS THE GOJ FOR THE PRESENT IS THAT WE FEEL IT IS PREMATURE TO GET INTO IT UNTIL WE HAVE CLEARER UNDERSTANDING OF THE TOTAL PROJECT. OUR VIEW WOULD BE THAT THE STEP ONE CONSULTANT IN HIS PRIVATE REPORT TO AID COULD REVIEW THE DETAILED ISSUES SO THAT WE COULD SYSTEMATICALLY CONSIDER HOW BEST TO APPROACH THEM. WE ARE CONCERNED THAT UNTIL WE DO THIS NECESSARY RESEARCH ON THE SUBJECT, WE DO NOT HAVE A REALLY SOLID BASIS FOR DISCUSSING SUBJECT. AFTER WE HAVE FULL DESCRIPTION OF PROJECT AND EXAMINATION OF WATER RIGHTS ISSUE BY STEP ONE CONSULTANT (WHICH HE COULD UNDERTAKE ON AN IN-HOUSE BASIS), WE CAN DETERMINE WHAT NEEDS TO BE DONE VIS-A-VIS ALL PARTIES INVOLVED. WE WOULD THEREFORE RECOMMEND DELETION OF PARA 1C ("EXAMINE AND DESCRIBE THE WATER RIGHTS ISSUE INVOLVED IN THE CONSTRUCTION OF THE MAQARIN DAM") FROM WORK TO BE DONE IN CONJUNCTION WITH GOJ, BUT WOULD INCLUDE THIS UNDER PRIVATE (US ONLY) TERMS OF REFERENCE FOR AN IN-HOUSE STUDY. (WE WOULD HOPE THAT STEP ONE CONSULTANT COULD BUILD UP SUFFICIENT RAPPORT WITH GOJ EXPERTS TO ELICIT SOME OF THIS INFORMATION DIRECTLY.)

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5. OUR OWN THINKING, FOR THE BENEFIT OF DEPARTMENT AND OTHERS, AT PRESENT RUNS ALONG THE FOLLOWING LINES: THE JORDANIANS HAVE ASSURED OVER THE YEARS A REGULAR FLOW OF YARMOUK WATER FOR THE ISRAELI IRRIGATION OF YARMOUK TRIANGLE. (ISRAEL HAS RECEIVED 17 MCM YARMOUK WATER YEARLY FOR SOUTHERN DEMILITARIZED ZONE AND YARMOUK TRIANGLE. THIS FIGURE APPEARS TO BE ADEQUATE AS LONG AS DISTRIBUTION OVER IRRIGATION PERIOD SUFFICIENT, AND PROVIDED ISRAEL DOES NOT SEEK YARMOUK WATER FOR ALKE TIBERIAS AND NATIONAL WATER CARRIER COMPLEX OR FOR WEST BANK OF JORDAN. DE FACTO ARRANGMENTS FOR ISRAELI WATER RIGHTS IN YARMOUK ARE WITH JORDAN AND NOT SYRIA. THE ISRAELIS HAVE IN EFFECT ACCEPTED THIS SITUATION AND HAVE NOT, THAT WE ARE AWARE OF, RAISED ANY SERIOUS PROTEST. (FROM TIME TO TIME, WE UNDERSTAND THAT IN EXCESSIVELY DRY PERIODS THE DE FACTO UNDERSTANDING HAS EVEN PERMITTED ISRAELI BULLDOZING IN THE BED OF THE YARMOUK TO INSURE THAT MINIMUM MONTHLY FLOW IS ASSURED WITHOUT GOJ PROTEST, AS LONG AS GOJ WATER RIGHTS FOR THE EAST GHOR CANAL HAVE NOT BEEN DISTURBED. HOWEVER, WE HAVE UNCONFIRMED REPORTS THAT ISRAELIS HAVE RECENTLY MOVED STONES IN RIVERBED AND SLIGHTLY DISRUPTED FLOW OF WATER INTO ENTRANCE TO EAST GHOR CANAL TUNNEL. WE WILL REPORT FURTHER AND WONDER WHETHER GOJ PUBLIC STATEMENTS ON MAQARIN HAVE NOT ALREADY PROVOKED SOME

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ISRAELI ACTION.) THEREFORE, THE ONLY BASIS ON WHICH WE CAN CONCEIVE OF THIS ISSUE BEING FINALLY SETTLED IS BY CONTINUED ADHERENCE TO THE PRESENT DIVISION OF THE WATERS.

6. UNDER NO CIRCUMSTANCES, WOULD WE WISH TO SEE THIS POTENTIALLY NUTTLESOME SUBJECT RAISED WITH ISRAELIS UNTIL PROJECT MORE FULLY DEFINED, IN ORDER TO PREVENT ENLARGED COUNTER-CLAIM BY ISRAELIS. ISRAELIS CONCEIVABLY COULD ARGUE FOR SOME WATER ON WEST GHOR. HOWEVER, IT IS MORE LIKELY THAT THEY WOULD PRESS FOR DIVERSION TO TIBERIAS ALONG LINES OF OLD JOHNSTON PLAN WHICH DIED EFFECTIVELY WITH BUILDUP ISRAELI NATIONAL WATER CARRIER AND SUBSEQUENT ARAB ATTEMPT AT MUKHEIBEH DAM WHICH MARKED THE CREATION OF TWO SEPARATE WATER SYSTEMS IN THE JORDAN VALLEY. HOWEVER, WE WOULD BE MOST GRATEFUL FOR EMBASSY TEL AVIV'S IN-HOUSE ASSESSMENT AND REACTION TO THIS LINE OF APPROACH.

7. THERE ARE TWO ADDITIONAL POSSIBLE AREAS OF DIFFICULTY:

SYRIA AND CANALIZATION OF SOUTH BANKS OF YARMOUK. ON SYRIA, WE WOULD HOPE THAT WHATEVER WE EVENTUALLY DO, IT NOT BE DONE IN A WAY TO EXCITE SYRIAN OBJECTIONS TO PROJECT, E.G., FORMAL GOJ/GOI AGREEMENT ON YARMOUK WHICH WOULD TEND ALSO TO ENGAGE SYRIANS BY THE THEIR PRESENT "ASSOCIATION" WITH GOJ IN PROJECT. WE ASSUME THIS CAN BE AVOIDED IF IN LONG RUN AGREEMENT ON PRESENT DIVISION OF WATER IS ACTUALLY REQUIRED, POSSIBLY BY GOI AND GOJ GIVING SEPARATE UNDERSTANDINGS TO US. ON CANALIZATION, GOJ IS CURRENTLY CONSIDERING A CANAL ALONG THE SOUTH BANKS OF YARMOUK FROM THE MAQARIN OUTFLOW TO THE EAST GHOR CANAL ENTRANCE TO DIVERT WATER INTO EAST GHOR. MORE STRAIGHTFORWARD APPROACH IS A WEIR BUILT TO ISRAELI-OCCUPIED BANKS OF SOUTHERN DMZ (EL HEMEH ZONE) OPPOSITE THE EAST GHOR CANAL ENTRANCE. THIS WOULD REQUIRE GOI COOPERATION AND, IF SUCH COOPERATION FORTHCOMING, MIGHT THEN LOOK LIKE GOJ COLLABORATION WITH GOI TO REST ARA ARABS. HERE TOO, PERHAPS SOME SORT OF UNDERSTANDING THROUGH US WOULD HELP. BUT IF ISRAELIS DO NOT ACCEPT FACT OF GREATER DIVERSION OF YARMOUK WATER INTO EAST GHOR CANAL, WEIR WILL NOT HELP, HOWEVER EXPENSIVE AND ELABORATE, BECUASE THEIR MILITARY POSITIONS DOMINATE

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FULL AREA OF FUTURE WORKS--MAQARIN AND SOUTH BANK CANAL. ON THESE ISSUES, TOO, REACTIONS OF EMBASSIES TEL AVIV AND DAMASCUS WOULD BE HELPFUL.

8. FINALLY, WE NEED TO GET ON WITH THE JOB. GOJ RAISED THIS MATTER WITH NOOTER LAST OCTOBER. OUR INITIAL PROPOSALS CONTAINED IN REF. C WAS DATED NOVEMBER 30. ADMINISTRATOR PARKER TOLD GOJ IN JANUARY THAT AID IS WILLING TO HELP WITH THIS ACTIVITY. GOJ IS INCREASINGLY CONCERNED WITH DELAY AND WE ARE CONCERNED THAT IN ABSENCE OF OUR STEP ONE CONSULTANT THE JVC MAY HEAD IN DIRECTION WHICH MIGHT NOT PROVE TO BE COMPATIBLE WITH OUR INTERESTS. THE BEST WAY TO INSURE THAT WE ARE PROCEEDING IN TANDEM IS INITIATING THE WORK OF OUR STEP ONE CONSULTANT ASAP. WE WOULD OF COURSE HOLD ANY DISCUSSION OF WATER RIGHTS PROBLEM IN-HOUSE UNTIL CONSULTANT HAD FINISHED WORK AND WE HAVE HAD SUFFICIENT TIME TO CONSIDER ALL ASPECTS OF WATER RIGHTS ISSUES--TECHNICAL, POLITICAL AND ECONOMIC.

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